

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

PAUL MARTIN

PLAINTIFF

v.

CIVIL ACTION NO.: 2:10-CV-00159-MPM-SAA

CHRISTIE LITES FLORIDA, LLC,  
a Florida limited liability company;  
DISCONNECTED, INC.; a Florida  
corporation; ESTATE OF KEVIN A.  
SINEX, a deceased individual; TNA  
ENTERTAINMENT, LLC, a Delaware  
limited liability company

PLAINTIFFS

DEFENDANT TNA ENTERTAINMENT, LLC'S MOTION TO COMPEL

Defendant TNA Entertainment, LLC (hereinafter "TNA"), by and through counsel, pursuant to Federal Rule of Civil Procedure 37(a)(3)(B) and Uniform Local Rule 37, files this Motion to Compel full and complete, sworn responses to discovery from the Plaintiff, Paul Martin ("Plaintiff"), and in support thereof, states as follows:

1. Defendant TNA propounded discovery to Plaintiff on March 21, 2011.<sup>1</sup> Plaintiff served responses to Interrogatories and Requests for Production on May 6, 2011.<sup>2</sup>

2. By correspondence of May 17, 2011<sup>3</sup>, Defendant TNA advised Plaintiff that certain responses were insufficient and/or contained inappropriate objections.

---

<sup>1</sup>See Discovery and Notices of Service, Exhibit "A".

<sup>2</sup>See Plaintiff's Responses to discovery, Exhibit "B".

<sup>3</sup>See collective correspondence (including Good Faith letter), Exhibit "C".

3. On May 27, 2011<sup>4</sup>, Plaintiff subsequently served "Supplemental" discovery responses. These responses did not address TNA's concerns and additionally were not sworn.

4. Again on June 21, 2011<sup>5</sup>, Defendant TNA served Plaintiff with an additional Good Faith letter advising that his responses to discovery were still insufficient.

5. To this date, Plaintiff has failed/refused to provide full and complete, sworn responses to TNA's discovery requests and has likewise ignored Defendant TNA's request to sign a Good Faith Certificate.

6. This court has imposed deadlines, including a "firm" discovery deadline, which shall not be modified except upon a showing of good cause and by leave of this Court. To comply with this deadline, Plaintiff must provide full and complete, sworn responses to discovery.

7. The specific deficiencies in each response are listed and discussed, with supporting legal authority, in TNA's Supporting Memorandum filed with the Court, which is incorporated herein by reference.

8. Pursuant to Uniform District Court Rule 37.1 (A), undersigned counsel, Timothy D. Moore, having personal knowledge of the facts represented herein, states that he has attempted in good faith to resolve this matter. The Good Faith Certificate forwarded to counsel for the Plaintiff is attached to this Motion as Exhibit "F". Because counsel for Plaintiff has failed/refused to respond to TNA's requests that he sign the Certificate, the Certificate is signed only by undersigned counsel.

---

<sup>4</sup>See Plaintiff's Supplemental Responses to discovery, Exhibit "D".

<sup>5</sup>See Good Faith letter of June 21, 2011, Exhibit "D".

9. The following Exhibits are attached in support of TNA's Motion:

- A. Exhibit "A"- TNA's discovery propounded to the Plaintiff;
- B. Exhibit "B"- Plaintiff's responses to the discovery requests propounded by TNA;
- C. Exhibit "C"- Correspondence regarding Plaintiff's discovery responses (including Good Faith letter);
- D. Exhibit "D"- Plaintiff's Supplemental Responses to the discovery propounded by TNA;
- E. Exhibit "E"- Additional Good Faith letter of June 21, 2011; and
- F. Exhibit "F"- Good Faith Certificate.

WHEREFORE, PREMISES CONSIDERED, Defendant TNA, asks that the Court:

- 1. compel Plaintiff to provide full and complete, sworn responses to TNA's discovery requests as detailed in TNA's supporting Memorandum; and
- 2. grant any and all other relief the Court may deem appropriate under the circumstances.

Respectfully submitted,

TNA ENTERTAINMENT, LLC

By: s/ Timothy D. Moore  
Timothy D. Moore (MSB #10494)

OF COUNSEL:

Edward J. Currie, Jr. (MSB #5546)  
CURRIE JOHNSON GRIFFIN GAINES & MYERS, P.A.  
1044 River Oaks Drive (39232)  
P. O. Box 750  
Jackson, MS 39205-0750  
Telephone: (601) 969-1010  
Facsimile: (601) 969-5120

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the clerk of the Court using the ECF system which sent notification of such filing to the following:

E. Gene Thornton, III, Esq.  
Evans Petree, PC  
1000 Ridge way Loop Rd, Suite 200  
Memphis, TN 38120  
**ATTORNEYS FOR PLAINTIFF**

Wade G. Manor, Esq.  
Scott Sullivan Streetman & Fox, P.C.  
725 Avignon Drive  
Ridgeland, MS 39157  
P. O. Box 13847  
Jackson, MS 39236  
**ATTORNEYS FOR CHRISTIE LITES FLORIDA, LLC**

H. Mitchell Cowan, Esq.  
Watkins Ludlam Winter & Stennis, P.A.  
190 East Capitol St., Suite 800 (39201)  
P. O. Box 427  
Jackson, MS 39205  
**ATTORNEYS FOR DISCONNECTED, INC. AND ESTATE OF KEVIN A. SINEX**

CERTIFIED this the 30<sup>th</sup> day of June, 2011.

s/ Timothy D. Moore  
TIMOTHY D. MOORE